

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION AT DAYTON**

Richard A. Miller, Sr.,	:	
	:	
Plaintiff,	:	Case No. 3:08-cv-355
	:	
- vs -	:	District Judge Walter Herbert Rice
	:	Magistrate Judge Michael R. Merz
Berkshire Healthcare System, Inc. et al.,	:	
	:	
Defendant.	:	

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**ORDER ADOPTING REPORT AND RECOMMENDATIONS**

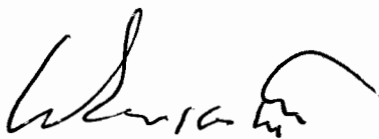
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The Court has reviewed the Report and Recommendations of United States Magistrate Judge Michael R. Merz (Doc. #15), to whom this case was referred pursuant to 28 U.S.C. § 636(b), and noting that no objections have been filed thereto and that the time for filing such objections under Fed. R. Civ. P. 72(b) has expired, hereby ADOPTS said Report and Recommendations.

Accordingly, it is hereby ORDERED that Plaintiff's state law claims are dismissed without prejudice as a matter of discretion under § 1367. The clerk to enter judgment accordingly.

February \_\_\_\_, 2009.



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Walter Herbert Rice  
United States District Judge